

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:22-cv-68-BO

YOLANDA IRVING, individually and)
as the natural parent and guardian of J.I,)
JUWAN HARRINGTON, CYDNEEA)
HARRINGTON, KENYA WALTON,)
individually and as the natural parent and)
guardian of R.W., ZIYEL WHITLEY,)
DYAMOND WHITLEY, KAMISHA)
WHITLEY, NANETTA GRANT as the)
natural parent and guardian of Z.G., and)
EMANCIPATE NC, INC.,)

Plaintiffs,)

v.)

THE CITY OF RALEIGH, Officer)
OMAR I. ABDULLAH, Sergeant)
WILLIAM ROLFE, Officer RISHAR)
PIERRE MONROE, Officer MEGHAN)
CAROLINE GAY, JOHN and JANE)
DOE Officers 1-10, in their individual)
capacities, Chief of Police ESTELLA)
PATTERSON, and City Manager)
MARCHELL ADAMS-DAVID, in their)
official capacities,)

Defendants.)

**MOTION TO EXTEND TIME TO REPLY
TO MEMORANDUM IN OPPOSITION TO
MOTION TO DISMISS
EMANCIPATE NC, INC.**

Defendants the City of Raleigh, Chief of Police Estella Patterson in her official capacity, and City Manager Marchell Adams-David in her official capacity (collectively, the “City Defendants”), pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, respectfully move the Court for permission to extend the time to reply to Emancipate NC, Inc.’s Memorandum in Opposition to the City Defendants’ Motion to Dismiss Emancipate NC, Inc. (“Emancipate”) [DE 88]. In support of this extension motion, the City Defendants show the following:

1. Plaintiffs filed their First Amended Complaint on May 16, 2022 [DE41] adding Emancipate NC, Inc. as a plaintiff.

2. The City Defendants filed a Motion to Dismiss Emancipate NC, Inc. for Lack of Jurisdiction, and a supporting memorandum, on June 28, 2022 [DE 59, 60].

3. On August 19, 2022, Emancipate NC filed a Memorandum in Opposition to the Motion to Dismiss [DE 88].

4. Pursuant to Local Rule 7.1, the City Defendants' reply, to address new material presented in Emancipate NC's Memorandum in Opposition, is currently due September 1, 2022.

5. Due to competing deadlines in other matters, the City Defendants reasonably require additional time to prepare a reply, and respectfully request a fourteen-day extension of the current deadline, which would allow the City Defendants up to and including September 15, 2022, to file a reply.

6. The additional time would allow the City Defendants to prepare a more targeted reply that will aid the Court's review of the issues presented.

7. This motion is being filed in good faith and not for the purpose of delay.

8. This matter has not been set for trial, and as such, granting this motion will not interfere with a scheduled trial date.

9. Pursuant to Local Rule 6.1, counsel for the City Defendants consulted with counsel for Plaintiffs regarding their position on this motion. Counsel for Plaintiffs consent to the requested extension.

10. The City Defendants respectfully submit that good cause exists for granting this extension motion based on the above-described circumstances.

WHEREFORE, the City Defendants respectfully move the Court for an order extending until September 15, 2022, the date to reply to Emancipate NC's Memorandum in Opposition to the City Defendants' Motion to Dismiss, as set forth in the proposed order submitted herewith.

Respectfully submitted,

This the 29th day of August, 2022.

CITY OF RALEIGH
Robin L. Tatum, City Attorney

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YOLANDA IRVING, et al.,)
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Plaintiffs,)
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v.)
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THE CITY OF RALEIGH, et al.)
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Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which sends notification of such filing to all counsel of record as follows:

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CITY OF RALEIGH
Robin L. Tatum, City Attorney

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